

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALICE KIEFT,

Plaintiff

04 CV 10949 NMG

v.

AMERICAN EXPRESS COMPANY,
AMERICAN EXPRESS COMPANY LONG
TERM DISABILITY PLAN, and
AMERICAN EXPRESS COMPANY LIFE
INSURANCE PLAN,

Defendants

**PLAINTIFF'S CROSS-MOTION
FOR JUDGMENT ON THE ADMINISTRATIVE RECORD**

Plaintiff, ALICE KIEFT, by and through her undersigned counsel, pursuant to Fed. R. Civ. P. 56, moves for Judgment on the Administrative Record in her favor. As grounds for her motion, Plaintiff states that in this action, Counts III and IV, which state causes of action for benefits under ERISA, 29 U.S.C. § 1132(a)(1)(B), should be determined in her favor, as defendants have failed to make any decision on her claims, and their post hoc rationalizations should be barred pursuant to *Glista v. UNUM Life Ins. Co. of America*, 378 F.3d 113 (1st Cir. 2004). In further support of her motion, Plaintiff submits her accompanying Counter-Statement of Facts and Memorandum of Law, and respectfully refers this Court to the exhibits filed with the Court by defendant.

REQUEST FOR ORAL ARGUMENT

Plaintiff respectfully requests oral argument on this motion.

Dated: March 24, 2006
Haverhill, MA

LAW OFFICE OF
STEPHEN L. RAYMOND, ESQ.
Attorney for Plaintiff

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